UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/SR.44
19 October 1998

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 44th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 14 April 1998, at 6 p.m.

Chairman: Mr. SELEBI (South Africa)
later: Mr. GALLEGOS CHIRIBOGA (Ecuador)
later: Mr. HYNES (Canada)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTICN OF HUMAN RIGHTS IN CYPRUS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.98-12687 (E)

CONTENTS (continued)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS (continued)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (continued)

ORGANIZATION OF THE WORK OF THE SESSION (continued)

The meeting was called to order at 6 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued) (E/CN.4/1998/3 and Corr.1, 9, 12 to 15, 55 to 67, 68 and Add.1 to 3, 69 to 73, 113, 114, 126, 127, 130, 132, 138 to 140, 142, 143, 147 to 150, 152 and 154; E/CN.4/1998/NGO/7, 13, 39, 40 and 101; A/52/472, 476, 479, 484, 486 and Add.1/Rev.1, 493, 505, 510 and 522)

1. Mr. MOUKOKO (International Federation of Human Rights Leagues (IFHR)) said that reference was frequently made under agenda item 10 to the need to promote dialogue on situations of conflict. For those concerned with human rights, however, dialogue did not mean keeping silent after hearing a government give its version of the facts. The Commission should therefore pay more attention to transparency and to a public airing of the facts in order to make the dialogue in question more constructive and productive.

2. Since the IFHR and other non-governmental organizations had launched an appeal some months ago for an international inquiry to be conducted in Algeria, abuses had been increasing in that country. The Algerian authorities had denied any information associating them with those abuses and were, moreover, opposed to the dispatch of the necessary international investigative machinery. It was incumbent upon them, however, in such a tragic and complex situation, to cooperate with United Nations procedures. The Commission should also appoint a special rapporteur for Algeria.

3. The human rights situation in Tunisia continued to deteriorate, with open and systematic flouting of fundamental freedoms. Those standing up for human rights, in particular, were subjected to persecution on a daily basis. The situation was serious enough to warrant special surveillance by the Commission.

4. Insecurity was rife in the Congo, with summary executions, arrests and arbitrary detention, especially among those who had collaborated with the former regime. Such abuse was carried out by armed individuals who clearly had the freedom to act with complete impunity. People who defended human rights were equated with the supporters of the previous regime and were also subjected to persecution. The IFHR therefore urged the Commission to act on the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities relating to that country and establish machinery to monitor the human rights situation in Congo. The situations in Nigeria, Chad, Bahrain, Mexico and Turkey were also very worrying.

5. Mr. SISSON (International Fellowship of Reconciliation) said it was deplorable that, owing no doubt to political pressure, there had as yet been no resolution by the Commission condemning China for its consistent abuse of the fundamental rights of the Tibetan people.

6. Nevertheless, recent information from a number of non-governmental organizations showed Tibet was a de facto colony of China and that its people were under alien subjugation. Although China had ratified the International Convention on the Elimination of All Forms of Racial Discrimination, which prohibited denial of the rights of minorities, the Tibetans were systematically discriminated against in favour of the Chinese with respect to employment, education and housing. The Chinese Government was also endeavouring to change the demographic situation in Tibet and to make Tibetans a minority in their own country by bringing in hundreds of thousands of Chinese settlers. The religion, culture and identity of the Tibetan people were under threat.

7. Although China had ratified the Convention on the Elimination of All Forms of Discrimination against Women, Tibetan women had been victims of campaigns of forced abortion and sterilization by the Chinese authorities. Again, some of the economic projects imposed on Tibet threatened to destroy whole ecosystems.

8. Since the pattern of violence was typical of the colonialist nature of Chinese policy in Tibet, the International Fellowship of Reconciliation called on the Commission to appoint a special rapporteur to investigate the situation of human rights in Tibet and to support all efforts to promote a peaceful settlement there through a United Nations supervised referendum. Lastly, IFOR wished to express its solidarity with the six Tibetans engaged in a hunger strike in New Delhi in an attempt to move the United Nations to action.

9. Mr. RAM MOLT (Pax Romana) said that, although respect for human rights first called for a commitment on the part of governments to the rights enshrined in the International Covenants, those commitments had also to be translated into practice. In the case of the right to life, for example, governments should emphasize prevention, assisted by the international community and mechanisms such as those provided by the United Nations.

10. Some countries, however, failed to act on commitments undertaken to the international community. In the Islamic Republic of Iran, execution, torture and acts of violence were continuing despite the portrayal by Mr. Khatami, the new President, of the country as a model of tolerance, rights and freedoms. Women continued to suffer systematic discrimination. The appointment of a woman as Vice-President in the present Government left no guarantee of any improvement in that respect, since the authorities had recently decided not to adhere to the Convention on the Elimination of All Forms of Discrimination against Women. The Commission should therefore urge the Government of the Islamic Republic of Iran to rectify its position regarding that Convention and to implement its public commitments to human rights, modifying Iranian law where necessary to ban practices such as stoning.

11. The report of the Special Rapporteur on the situation of human rights in Equatorial Guinea (E/CN.4/1998/73) implied that an important improvement had taken place with respect to democracy and respect for human rights. The reality, however, was rather different. Admittedly, many laws had been passed in pursuance of the agreement of April 1997, but some of them had not been put into practice. Others were an outrage against democratic principles, like the law banning any coalition among different political parties, which thus

ensured perpetuation of the dictatorship. It was necessary to establish a permanent and constructive dialogue between the Government and the different ethnic and social groups to prevent demonstrations of discontent, such as the one which had resulted on 21 January 1998 in the massacre of the Bubi minority on the island of Bioko.

12. Mr. Gallegos Chiriboga (Ecuador) took the Chair.

13. Mrs. KISSLING (Inter-Parliamentary Union (IPU)) said that, as parliamentarians themselves could fall victim to arbitrary action, the IPU had set up a Committee on Human Rights to investigate such abuses, initially under a confidential procedure. Cases might subsequently be made public by being brought before the Inter-Parliamentary Council, which represented the 137 member parliaments of the Union. Under its public procedure, the Committee was currently dealing with 16 cases relating to 134 parliamentarians in 11 countries, primarily with regard to exercise of the right to freedom of expression.

14. In Malaysia, for example, Mr. Lim Guan Eng, an opposition member of parliament had recently been sentenced to 36 months' imprisonment for criticizing the administration of justice in his country. In Indonesia, Sri Bintang Pamungkas, a former member of parliament, had been sentenced to 34 months' imprisonment for referring to the Indonesian President as a dictator. Sri Bintang was also facing subversion charges, mainly for having set up a political party, a procedure considered unlawful under the Indonesian Constitution. The IUP Committee had recalled that in 1994 and 1997, the Union had upheld the right of everyone to join or establish a political party or organization.

15. The problem of impunity had also arisen in the six cases of Colombian members of parliament assassinated between 1986 and 1994. In one case only, that of Senator Cepeda, had investigations produced any result, namely the charges brought against two military officers and one paramilitary leader. Another Colombian parliamentarian, Senator Motta, had received death threats, which had forced him into exile. The IUP Committee had urged the authorities to combat impunity and to adopt a statute for the political opposition, as provided for in the Colombian Constitution.

16. Ms. FOKA (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that in 1972 she had been an elementary school teacher in a village on the Karpas peninsula of Cyprus. In 1974, the Turkish army had occupied the village, arresting all men between the ages of 18 and 65, and 13 of them were never seen again. After the transfer of all other teachers to the free areas of Cyprus, she was placed in charge of the school, which had 74 pupils at the time. Conditions at the school became very difficult because of constant damage to the facilities and continuing threats directed at the children and their teacher. Since secondary schools were not permitted in the occupied areas, the number of pupils gradually declined to no more than four in 1997. The school building continued to deteriorate and there was a lack of schoolbooks and school furniture. The people of the village were continually threatened, insulted and persecuted by the Turkish settlers. The population of the Karpas had fallen from 20,000 in 1974 to 450 at the present time. In March 1997, she had

gone to Nicosia for medical treatment and had since tried in vain to return to her village, her school and her pupils. She appealed to the Committee for help.

17. Mr. AHEDROM (Baha'i International Community) said that, despite the new openness alleged to reign in the Islamic Republic of Iran, the religious persecution directed against the Baha'is since 1979 had continued. The religious nature of those violations had been repeatedly confirmed over the past 18 years by United Nations special representatives, special rapporteurs and treaty monitoring bodies. The latest report by the Commission's Special Representative on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1998/59) was eloquent on the subject. As early as 1993, the then Special Representative, Mr. Galindo Pohl, had exposed the systematic nature of the persecution of the Baha'i community in the Islamic Republic of Iran. According to a document dated 25 February 1991, bearing the endorsement of Mr. Ali Khamenei, the country's highest spiritual authority, the development of the community was to be blocked, even outside Iran.

18. Despite the change of government in the Islamic Republic of Iran, persecution of the Baha'i community was still continuing. Since November 1997, 11 Baha'is had been arrested and imprisoned. In April 1998, 15 Baha'is were being held in prison solely because of their religious beliefs. Five had been sentenced to death. Baha'is constituted no threat to the Iranian Government since they avoided all forms of partisan political involvement. Baha'is sought no special privileges but only their rights under the International Bill of Human Rights, to which the Islamic Republic of Iran was a signatory. Those rights included the right to life, the right to practise one's religion, the right to liberty and security of person, and the right to education and work. The Special Rapporteur on religious intolerance, Mr. Amor, in a report to the Commission (E/CN.4/1996/95) had stated that the Baha'i community should be permitted to organize freely and engage in its religious activities in the Islamic Republic of Iran.

19. Lastly, the Baha'i International Community hoped that by President Khatami's statement at the Islamic Summit Conference in December 1997 to the effect that, in a civil society centred around the axis of Islamic thinking and culture, dictatorship of the majority and elimination of the minority had no place, would become a reality. It therefore recommended that the Commission should call for the immediate and full implementation of the recommendations of the Special Rapporteur on religious intolerance and the Special Representative on the situation of human rights in the Islamic Republic of Iran.

20. Mr. THAUNG HTUN (Worldview International Foundation) recalled that, at its previous session, the Commission had expressed deep concern at human rights violations in Myanmar and had called on the Government of Myanmar to improve conditions of detention. However, arbitrary arrests of dissidents and deaths in custody had continued. Victims included elderly persons in their 80s, students and Buddhist monks. The 1,000 to 2,000 political prisoners in Myanmar rarely had access to their families or a lawyer, while their conditions of detention were harsher than those for prisoners who were common criminals. Lack of medical care and poor hygiene made dysentery, hepatitis and HIV infection common among prisoners. Forty-five political prisoners

had died in custody since 1988. At its previous session, the Commission had requested the Myanmar Government to investigate the death of Mr. James Leander Nichols, a well-known political prisoner, and to prosecute the person or persons responsible.

21. In view of such inhumane treatment, the Commission should urge the Myanmar Government to allow the competent international humanitarian organization to communicate freely and confidentially with political prisoners.

22. Mr. GANT (International Human Rights Law Group), said his organization was based in the United States and it welcomed the 1997 mission of the Special Rapporteur on extrajudicial, summary or arbitrary executions to that country to examine the conditions in which the death sentence was enforced (E/CN.4/1998/68/Add.3). All United Nations human rights activities ought to be guided by impartiality and no country should be exempt from international scrutiny under internationally accepted standards. The United States had shielded its human rights violations by failing to ratify key international human rights treaties or by making reservations thereto.

23. The number of executions in the United States in the past year had been much higher than the annual figure since capital punishment had been reintroduced in 1976. Since that year a total of 432 persons had been executed. The number of convicts on death row was now a record 3,269. As the Special Rapporteur had noted, remnants of slavery still remained in the criminal justice system in the United States, notably in relation to the application of the death penalty. Afro-Americans were still sentenced to death and executed in a proportion much greater than their share of the population. Since 1976, 84 Blacks had been executed for the murder of Whites, although only four Whites had been executed for the murder of Blacks.

24. The Federal authorities were also involved, since 72 of the 119 accused persons on whose account the Government had been authorized by the Attorney-General to ask for the death penalty had been Afro-Americans. The United States General Accounting Office, the Federal Government's internal watchdog, had itself concluded that the likelihood of being found guilty of murder and executed was linked to the accused person's race. Moreover, the Special Rapporteur had noted that the situation was made worse by lack of proper representation of the accused. Since some 90 per cent of defendants did not have the means to hire a lawyer, the death sentence was passed not on those who had committed the worst crimes, but on those who had the worst lawyers. As for the legal aid centres, most had now been closed for lack of funds. According to the Special Rapporteur, nine juveniles and 27 mentally disabled persons had also been executed in the United States since 1976.

25. It was therefore urgent for the United States and all countries that still applied the death penalty to end that inhumane practice in response to calls from the United Nations in general and the Commission in particular, which in resolution 1997/12 had encouraged all nations to limit the death penalty to the most serious crimes and to consider suspending all executions.

26. Mr. ABU EISSA (Arab Lawyers Union) said that, on the fiftieth anniversary of the Declaration of Human Rights, his organization applauded the efforts the international community had made to promote human rights, fundamental freedoms and respect for human rights.

27. Unfortunately, in his region some policies that were being followed trampled on those rights and freedoms. To start with, Israel continued to ignore the condemnations and resolutions of the international community. The Arab Lawyers Union condemned, for example, the detention by the Israeli authorities in the occupied Syrian Golan and in the occupied Palestinian territories of hundreds of hostages, 15 of them children. In all, the Israeli authorities held thousands of Palestinians and other Arabs in inhumane conditions. Elsewhere, for example in Egypt, Sudan and Algeria, terrorist acts committed by fundamentalists and integrationists had led to violations of human rights. Although such violations were officially denied, they too reflected a refusal to apply the relevant international standards on the grounds that they were inconsistent with the theocratic foundations of the regime in power. In Sudan, on 2 April 1998 the army at Alifoun camp had forcibly broken up a gathering of students asking for permission to spend the festival of Aid with their families. The soldiers had opened fire on the demonstrators, killing over a hundred people. With the military in pursuit, the survivors had got on a boat to escape down river, but the boat, being overloaded, had sunk. Some 60 bodies had been recovered and over 150 persons were reported missing. In the face of such serious events, which it was impossible to deny, it was imperative for United Nations observers to carry out an on-the-spot investigation.

28. In Africa, most violations of human rights and fundamental freedoms were due to ethnic conflict and resultant genocide. The international community should therefore give assistance to all democratic forces in the region so that sound conduct of public affairs could be restored.

29. However, double standards were being applied in the human rights field: countries remained silent at the serious violations of human rights caused by the continuing embargo against Iraq. It was essential for the international community to take the necessary steps to put an end to such violations of the rights of nations.

30. Mr. Selebi (South Africa) resumed the Chair.

31. Ms. STOTHARD (Aliran Kesedaran Negara - National Consciousness Movement) said that, in Myanmar, the military junta by its continuing violations of fundamental rights and refusal to engage in genuine dialogue with the Government-elect was making a mockery of the United Nations system. Moreover, the governments of countries, some of them members of the Commission, that supported the Myanmar regime were also defying the international community.

32. Its admission to the Association of South-East Asian Nations (ASEAN) had not substantially changed the regime's behaviour, since arbitrary arrest, extrajudicial executions, torture, forcible relocation and forced labour were continuing. In its recent attacks on three refugee camps in Thailand, the junta's troops had violated the sovereignty of another ASEAN member and insulted that organization.

33. The Commission should therefore make it clear to the military regime in Myanmar that it must end its attacks against ethnic peoples and the democracy movement. Those governments that openly supported human rights should be prepared temporarily to freeze all forms of support to the regime until dialogue began. All political prisoners should be released. Violation of the rights of the people of Myanmar should cease. Investment in Myanmar should be discouraged until real stability had been restored, since years of investment had not contributed to Myanmar's human development. Forcible relocation and forced labour should be condemned. In its resolution on the subject, the Commission should not forget the women struggling to survive in prison, refugee camps or labour camps. As to the protection of those fleeing Myanmar, the Government of Thailand, which had already taken the key step of allowing some access to UNHCR, should facilitate the involvement of United Nations agencies and non-governmental organizations. Lastly, political will alone would accelerate positive change in Myanmar.

34. Mr. GUTERRES AMARAL (Catholic Institute for International Relations) said that he had left East Timor in January because he was being persecuted by the Indonesian armed forces occupying the country. Arrested with two companions on 21 August 1996 while trying to send supplies to members of the armed resistance, he had been beaten and then taken to the barracks in Buicarin. Transferred subsequently to an army barracks in Viqueque, he had been questioned and tortured for several hours. That ill-treatment had ended only when the International Red Cross had intervened on his behalf. He had been held in custody for a further four months and interrogated before being released. In January 1998, he had taken refuge in the Spanish embassy in Jakarta.

35. He urged the Commission to make every effort to encourage the Indonesian Government to allow free access to non-governmental human rights organizations. A visit by the Special Rapporteur on torture would also be of great help. Those steps, combined with the withdrawal of Indonesian armed forces, would significantly improve the situation in East Timor.

36. Mr. WIN (International Peace Bureau) said he was a representative of the Paukkhaung constituency, elected at the 1990 general elections in Myanmar. It had thus been eight years since the people of Myanmar had overwhelmingly elected the candidates of the National League for Democracy (NLD). Unfortunately, that expression of the people's will had not been honoured and the military regime had chosen the path of confrontation.

37. None of the Commission's resolutions on Myanmar had been implemented and the repeated requests of the present Special Rapporteur to visit the country had been refused. The people of Myanmar were grateful to the Commission for publicizing the human rights violations in Myanmar. He welcomed the constructive recommendations of the Special Rapporteur and the untiring efforts of the United Nations Secretary-General to bring about national reconciliation and prompt restoration of democracy. In that respect, a substantive political dialogue involving the military regime and leaders of the political opposition was urgently needed. Unfortunately, the freedom of movement and the social and political activities of Daw Aung San Suu Kyi continued to be severely restricted. Two of her cousins had been arrested and

sentenced to long prison terms. The weekend addresses from her home had been stopped, while constant surveillance by military intelligence increasingly restricted access to her by supporters and journalists.

38. The NLD was deprived of all the basic rights of political parties, such as freedom of expression and freedom of publication. It was not allowed to use a photocopier or have an international direct dialling telephone. Its offices throughout the country were being closed down and persons who rented out space to the NLD were intimidated and in some cases arrested. The military regime had reached an accommodation with drug traffickers, yet it treated the duly elected representatives of the people as criminals.

39. In view of the deteriorating human rights situation, the International Peace Bureau urged the Commission to extend the mandate of the Special Rapporteur and requested the Secretary-General to continue his efforts to promote national reconciliation and democratization. It also urged Member States to take a greater interest in getting the terms of United Nations resolutions on Myanmar implemented.

40. Mr. Hynes (Canada) took the Chair.

41. Mr. HTAIK (Society for Threatened Peoples) said that, since 1996, the military regime in Myanmar had been conducting a programme for the forcible relocation of ethnic groups living in frontier areas in order to bring them under its control. By the end of 1996, the inhabitants of over 600 villages had been forced to move to strategic locations on main roads or near towns. Since then the forcible relocation programme had been intensified and expanded. Only six weeks ago, at least 300,000 people had been pushed out of their homes. When people were relocated they were given only three to five days to move, after which they could be shot on sight. The relocation sites could be up to a day's walk away. Villagers with ox-carts could carry some possessions with them, but those on foot could take almost nothing. Those refusing to move had been beaten, shot or burned alive in their houses. The persons affected were nearly all farmers forced to leave behind their crops and their animals, which were usually looted by the regime's troops. Nothing was provided for them in the relocation sites and they could only survive by trying to find work as labourers or by begging.

42. The worst development over the past year had been the sharp increase in extrajudicial executions of villagers in the relocation areas. There had been 664 such killings documented in 1997. On 16 June 1997, people relocated to Kun Hing town, returning with written permission to collect rice from their old villages, had been massacred on the way. People caught outside the relocation areas were not the only ones to be killed, since the military had also fired shells into some relocation sites.

43. Apart from killings, other human rights abuses such as torture, rape, arbitrary detention and looting were common occurrences in forcible relocation areas. Such sites were often deliberately placed close to army camps and used as a pool of forced labour by the army. It was such human rights abuses that had driven large numbers of the Shan ethnic group to seek refuge in Thailand.

An estimated 80,000 Shan had entered Thailand in the past two years. Unfortunately, there were no refugee camps for them there, so they ended up as illegal migrants subjected to all kinds of exploitation.

44. The Society for Threatened Peoples recommended that the Commission's resolution on Myanmar should contain a separate paragraph dealing with forcible relocation.

45. Mr. SHROPSHIRE (Canadian Council of Churches) said that the recent massacre of 45 Tzotzil indigenous persons in Mexico again gave warning of a situation nearing a full-blown humanitarian crisis. In 1997, there had been a marked increase in extrajudicial executions, arbitrary arrests, disappearances and torture in a context of economic dislocation, growing militarization and low-intensity war against the civilian population waged by paramilitary groups supported by State security forces. Such circumstances illustrated the need for enhanced monitoring through the appointment of a Special Rapporteur.

46. In Peru, the repeated assaults against the independence of the judiciary and increased attacks against journalists critical of the Government were a cause of deep concern. Torture by State agents remained widespread and hundreds of people accused of terrorism and treason continued to be incarcerated in deplorable conditions.

47. In Sudan, human rights violations by all parties to the conflict continued. In 1998, the National Islamic Front Government had intensified its bombing of civilian populations. Its security forces still detained and tortured civilians. The authorities continued to restrict humanitarian access, especially in Wau, where over 100,000 people were denied food and medicine. Furthermore, religious persecution currently affected not only Christians but also some Muslims. The Canadian Council of Churches recommended that the Special Rapporteur's mandate should be extended and that independent human rights monitors should be placed throughout Sudan. It also appealed to IGAD member countries to broaden the peace process to include all parties to the conflict.

48. Elsewhere, his organization had serious doubts about the Nigerian Government's intentions to facilitate genuine civilian democratic rule. The mandate of the Special Rapporteur should be extended for one year and the Nigerian Government should be urged to give him or her unrestricted access to the country. The authorities should also be urged to establish a truly independent electoral body, open the electoral process to all political parties and stop its intimidation of potential presidential candidates.

49. In East Timor, human rights violations (arbitrary detentions, torture, extrajudicial executions and disappearances) were still taking place. The Council urged the Indonesian Government to act on the recommendations of the Commission at its previous session and, in particular, to invite the Special Rapporteur on torture to visit East Timor in 1998.

50. In Indonesia, protests by the population in response to the deteriorating economic and political situation had been met by brutal force.

The Council called on the authorities to release political detainees and to invite the Special Rapporteur on freedom of expression to visit Indonesia in 1998.

51. Mr. HERNANDEZ-AMOR (Christian Democratic International) noted that the Cuban Government had, in response to a request from the Pope, released 104 political prisoners. While welcoming that measure, Christian Democratic International would have preferred to see an amnesty for all political prisoners. Praise was also due for the progress made during the past eight months to strengthen religious freedom.

52. The Commission's attention had, however, to be drawn to the disturbing increase in arrests among human rights activists, opponents of the regime and independent journalists resulting from the adoption on 24 December 1996 of Act No. 80 in response to the Helms-Burton Act. Some detainees had been released while others had been tried and sentenced or still awaited trial. The new Act made punishable any collaboration with information media considered by the Cuban authorities as being on the side of the United States Government. It allowed the authorities a wide margin of interpretation, enabling them to punish anyone sending information abroad on human rights violations in Cuba.

53. Furthermore, conditions in Cuban prisons remained unsatisfactory: malnutrition, lack of medical care and cruel, inhuman and degrading treatment. Twelve prisoners were said to have died during 1997.

54. Christian Democratic International, while acknowledging the positive steps taken by the Cuban Government in recent months, called on it to continue its efforts in that direction so that Cuba might open up to the world and the world might open up to Cuba.

55. Mr. ONGUENE (World Alliance of Reformed Churches) said that arbitrary arrest, intimidation and persecution, torture, ill-treatment, kidnapping and the activities of a small uncontrolled group that repudiated dialogue and sought to annihilate its opponents physically had seriously endangered the democratic process in Equatorial Guinea. The Alliance condemned the unwarranted use of force by the civil and military authorities, which paid no attention to the laws on which their power was founded. That partially explained the widespread immunity enjoyed by State officials, who committed human rights abuses in violation of the undertakings given in the context of the document on evaluation of the National Covenant adopted in 1997. As long as those guilty of such acts remained unpunished, no real progress could be made towards safeguarding human rights in Equatorial Guinea. It was thus imperative to prepare the laws needed to combat the matter, to publish them and to make sure they were implemented.

56. The Alliance urged the Commission to call on the authorities in Equatorial Guinea to recognize that force and unilateral action would solve nothing and that they should enter into negotiations with the country's political forces so as to open the way for a wide-ranging democratic process. From that standpoint, the opposition parties were fully determined to seek an

agreed solution to the country's problems. The Alliance commended the Special Rapporteur on the situation of human rights in Equatorial Guinea on his excellent report. It hoped that his mandate would be extended, because full observance of human rights in Equatorial Guinea depended greatly on the action taken by the international community.

57. Mr. CUNNIAH (International Confederation of Free Trade Unions (ICFTU)) said that the ICFTU wished, on behalf of the 127 million workers it represented, to express its deep concern at the increasing number of cases of violation of trade union rights in all parts of the world.

58. The ICFTU had learned that in Australia during the past week the Patrick Stevedores company had dismissed 2,100 workers following a breakdown in negotiations over new working practices. In order to allow the company to break the movement, the Australian Government, which had consistently taken an anti-union stance since its election, had provided it with Aus$ 250 million and money to recruit dockside mercenaries.

59. In Indonesia, Muchtar Pakpahan, leader of SBSI, had been detained since July 1996. He faced the death penalty under charges of treason. The ICFTU urged the Commission to call on the Indonesian Government to release him immediately.

60. Recent reports had shown that the right to freedom of association was still severely restricted in China. In January, two independent trade union activists, Li Quingxi and Ahao Changqing, had been arrested for publicly calling for the creation of free trade unions. The ICFTU had been greatly disappointed by the failure of the European Union and the United States to submit a resolution on China at the present session of the Commission.

61. There had been no improvement regarding trade union rights in Nigeria. The Nigerian Labour Congress continued to be under government control. Frank Kohori and Milton Dabibi, leaders of the oil and gas workers' unions had been in detention since 1994 without charge or trial. The Commission should urge the Nigerian authorities to release them without delay. In Sudan, a number of trade unionists were still in detention, for example Abdel Gader (President of the Textile Trade Union) and Daoud Suliaman, Secretary of the Blue Nile Trade Union. In the Democratic Republic of Congo, three main leaders of the Postal and Telecommunications Trade Union (Makiona, Makuntima and Kabasele) had been arrested on 9 March 1998 following a strike to protest against seven months' non-payment of wages. In Djibouti, nine trade union leaders dismissed in 1996 in an attempt to crush the independent trade unions had not yet been reinstated. Moreover, hundreds of health workers had been assaulted during a demonstration on 22 March. A number had been arrested and transferred to a detention centre where the conditions were inhumane.

62. In Colombia, 80 trade unionists had been killed, many of them from SINTRAINAGRO, the agricultural workers' union in the Uraba region. The Commission should urge the Government of Colombia to take measures to put an end to such violence. With regard to Guatemala, the ICFTU had in its

possession a document setting out a series of policies, strategies and operations aimed at destroying the trade union movement. The Commission should denounce those strategies, which were intended to replace trade unions by solidarista associations.

63. In Belarus, the President continued to interfere in the activities of the independent trade unions. New and restrictive legislation had considerably limited the exercise of trade union rights. Similarly, in Croatia, under new legislation adopted in 1997, the Government had nationalized all trade union assets.

64. The ICFTU also wished to draw attention to gross violations in other countries such as the Islamic Republic of Iran, Costa Rica, Niger, Zimbabwe, Chad, Turkey and Myanmar. It hoped that the Commission would adopt strong measures against those countries.

65. Mr. SANNIKOV (International League for Human Rights) said that he was also speaking for the 70,000 signatories of Charter '97, a civil initiative adopted in November 1997 in Belarus. The Charter stated the intention of citizens to make Belarus, a country where the dangers of totalitarianism were as great as they had been in the Cold War, a free European country in which human rights were fully observed.

66. It was well known that Belarus lived under an unlawful constitution that made abuse of power and dictatorial practices possible. At the very moment when the Belarus delegation was welcoming the report of the Special Rapporteur on freedom of opinion and expression, the Belarus authorities had been undertaking further measures to curb that freedom. A senior presidential official had recently issued instructions banning officials from giving any information to the non-State press and prohibiting State-owned enterprises from advertising in it. A list of dissident newspapers had been attached to the instructions.

67. Furthermore, over 50 people had been detained in Minsk on 2 April 1998 for taking part in a demonstration. A number had been severely beaten. Some, such as Pavel Severinets, leader of a youth opposition movement, were in jail awaiting trial on criminal charges. Vyacheslav Sivchik, one of the leaders of the Belarus Popular Front, was in hospital after being beaten up by the police. Another Popular Front leader, Lyavon Barshcheusky, had been arrested even though he had not taken part in the demonstration. Dimitry Vaskovich, a 15 year-old, had been kept in jail for several days with practically no food. Many students were being expelled from universities for their political views. It should be noted in that respect that one State-owned newspaper had recently referred to the repression that took place in the Soviet Union in 1917-1953 as justifiable. It was therefore increasingly necessary for a special rapporteur to be appointed for Belarus and for steps to be taken to follow up the recommendations of the Special Rapporteur on freedom of opinion and expression.

68. Mr. QIANG (Robert F. Kennedy Memorial Centre for Human Rights) said that, since the previous session, the Commission had decided to drop the

resolution on the human rights situation in China simply because the Chinese Government had made some tactical changes in its policies: expelling prominent dissident Wei Jing-Sheng, signing the Covenant on Social, Economic and Cultural Rights and inviting the Working Group on Arbitrary Detention to visit China. However, basic rights such as freedom of association, assembly and speech continued to be suppressed and human rights defenders continued to be arrested. In March, for example, two activists, Yang Qianhing and Shen Liangshin had been sentenced respectively to two and three years of re-education through labour. According to the Government's own statistics, over 2,400 people were currently in detention for "counter-revolutionary crimes", a notion that had been replaced in 1997 by that of "endangering State security". "Rule by law", which was emphasized by the Chinese leaders, should not be taken to mean "the rule of law", a system whereby the people had a voice in formulating and enforcing the laws that governed them. In a system in which the judiciary was accountable to the ruling party, laws were merely a vehicle to serve the interests of the ruling elite.

69. The Chinese authorities, which often argued that their only aim was to ensure stability and unity, needed to recognize that the rapid economic and social transition China was currently undergoing could lead to serious unrest if the Chinese people did not participate in decisions that affected their lives. Spontaneous protests had erupted because there were neither independent unions nor a free press through which dissatisfaction could be voiced. Some had escalated into violent conflict with the police. Hundreds of workers had been arrested, but repression would not solve the core problem.

70. Promotion and protection of human rights in China would require a peaceful, fundamental transformation of Chinese political structures. At the present stage it was crucially important to support the struggle for human rights and for the Commission to fulfil its duty and its own mandate. The international community could and must help to ensure observance of universal standards in China, even if that meant publicly confronting a Permanent Member of the United Nations Security Council.

71. Mrs. SAYEGH (General Arab Women Federation), referring to the principles set out in the Universal Declaration of Human Rights, the Charter of the United Nations, the Geneva Conventions and the International Human Rights Covenants, said that the Federation was gravely concerned about the violations of human rights resulting from economic sanctions. She drew attention to General Comment No. 8 of the Committee on Economic Social and Cultural Rights in December 1997, which pointed to the need to evaluate the impact of sanctions on human rights, in particular those of children and the elderly. The Secretary-General of the United Nations had raised the question of whether sanctions were legitimate. Sanctions, for example against Cuba, Libya and Iraq, had primarily affected the weak and the vulnerable.

72. In the past seven years, more than one and a half million people, the majority children, women and the elderly, had died in Iraq from malnutrition and infectious diseases, and from forms of cancer and congenital anomalies caused by the depleted uranium projectiles used during the Gulf War. The sanctions had made it impossible to rebuild infrastructures, for example to meet health and education needs.

73. It was time for the Commission to take appropriate measures to end the inhuman sanctions against Iraq and to prevent the imposition of such measures in the future.

Statements in exercise of the right of reply

74. Mrs. ABU NAGMA (Sudan) said that the representative of the European Union had quite rightly noted that most human rights violations had taken place in the context of armed conflict. The Sudanese Government had made tremendous efforts to reach a peaceful settlement, arriving in 1997 at a peace agreement with all belligerent parties, except that led by John Garang, under the principles established by IGAD. It was to be hoped that the cease-fire proposed with the support of IGAD would be endorsed by the European Union. The Sudanese delegation noted with satisfaction that the European Union admitted that there had been some improvement in the human rights situation in Sudan and that the Sudanese Government had undertaken, under the new draft Constitution, to respect and protect such rights. It therefore hoped that the European Union would support the re-establishment of technical assistance on human rights in order to let Sudan strengthen its capacities. There was no point in repeating the same allegations year after year, when the situation had clearly improved.

75. In response to the European Union's appeal to the Government, she pointed out that the Sudanese authorities had already distanced themselves from terrorist groups on a number of occasions. Her delegation also took the present opportunity to condemn terrorism in all its forms. As to cooperation with the Special Rapporteur on the situation of human rights in Sudan, it already existed, since explicit reference to it had been made in the relevant resolution.

76. Furthermore, her delegation had listened to the statement by the representative of the Arab Lawyers Union, a Sudanese national who advocated the overthrow of the Government by force and made the same untenable allegations every year. It was deplorable that the lethal conflict in Sudan should be exploited for political ends. The incident referred to in the statement had occurred when an overloaded boat had capsized. To date, 52 bodies had been found. Since the enquiry being conducted by the armed forces and the procurator-general were still under way, any conclusion was still premature.

77. Mr. DEMBRI (Observer for Algeria) said it was regrettable to see the European Union once more draw up a list of human rights violations in 37 countries, all of which were from the South. Such an attitude was evidence of a split between the two halves of the world that was harmful to the cause of human rights. In the case of Algeria, the European Union delegation had for the first time clearly condemned the terrorist attacks. It was nevertheless deplorable that the gravity of the situation had been obscured by the emphasis placed on what had been termed a crisis in the rule of law.

78. It should nonetheless be recalled that many European countries continued to give shelter to those who were responsible for the worst violations of human rights now, at the close of the century. Europe should not forget that the principal fatwas calling for the murder of Algerian citizens had been

declared from its territory. It had a duty to prove that it was now solidly behind the fight against terrorism that was threatening peace and stability throughout the Euro-Mediterranean region.

79. It was also surprising to note that the European Union had made no mention in its statement of the political dialogue that had been established between itself and Algeria. Successive visits to Algeria by many leading European and other figures, including representatives of society at large, were proof that Algeria experienced no difficulty in being subjected to outside scrutiny.

80. To those who wished to give Algeria advice on how to ensure the rule of law, the Algerian delegation would point out that the country had launched a pluralist process on its own initiative and had set up democratic republican institutions. With regard to allegations of human rights violations, Algeria formally requested their authors to produce proof of their statements.

81. Lastly, with regard to cooperation with United Nations mechanisms, his delegation recalled that over the past 18 months Algeria had submitted periodic reports to the Committee against Torture, the Committee on the Rights of the Child and the Committee for the Elimination of Racial Discrimination. The conclusions and recommendations adopted by those bodies should allow all to assess the progress made towards the rule of law. Similarly, the consideration of Algeria's second periodic report by the Human Rights Committee in July 1998 would afford an opportunity to ascertain the real human rights situation in the country.

82. Mr. AL DURI (Observer for Iraq) said that the sufferings of the Iraqi people over the past eight years, whether as a result of the military aggression of 1990-1991 or because of the total embargo on the supply of food and medicine, had to be laid at the door of the United States. The maintenance of the embargo, which had cost 1.5 million lives, most of them women and children, amounted in fact to genocide. The crocodile tears shed by the United States no longer fooled anyone. The Iraqi people knew quite well that it was that country and the United Kingdom which were preventing contracts for the supply of food and medicine from being carried out.

83. The New Zealand delegation had spoken of a conference on humanitarian assistance to Iraq which the United Kingdom was reputed to be organizing. The intention of that country, whose neutrality was hardly self-evident, to host such a conference was surprising to say the least. Since the interests of the Iraqi people lay in lifting the embargo, the United Kingdom was not well placed to deal with the issue objectively. Furthermore, the organizers of the conference no doubt intended to make the lifting of the embargo conditional on acceptance by Iraq of conditions that were solely aimed at furthering United States strategy in the region. Iraq's refusal to play that game would once again be used as an excuse to plunge the region into another crisis. That was the goal of the United States.

84. Mr. KIM SONG CHOL (Observer for the Democratic People's Republic of Korea) said that, at the previous meeting, a representative of the European Union had commented on the human rights situation in the Democratic People's Republic of Korea and the country's withdrawal from the International Covenant

on Civil and Political Rights. His delegation strongly denounced and rejected that statement as an attempt on the part of certain forces to mislead the Commission and devise another plot against its country.

85. The States of the European Union, whose own behaviour in relation to human rights was far from irreproachable, were not well placed to sit in judgement on human rights in a sort of "international court". Furthermore, by calling for greater access for United Nations mechanisms and non-governmental organizations to the Democratic People's Republic of Korea, the European Union was displaying total ignorance of the real facts. Many United Nations agencies and non-governmental organizations were working in the country on a short or long-term basis, without any hindrance. The same ignorance could be seen in connection with the country's withdrawal from the International Covenant on Civil and Political Rights. It had been in protest against the adoption without consultation of a hostile resolution by the Sub-Commission on Prevention of Discrimination and Protection of Minorities that his Government had taken that step.

86. The Government of the Democratic People's Republic of Korea was resolutely opposed to the application of double standards. It would no longer tolerate any infringement of its sovereignty. It called on all States for which cooperation on human rights was not merely a pretext to take the necessary measures and ensure that the principles of equality and impartiality were respected.

87. Mr. AL FAIHANI (Observer for Bahrain) said that the representatives of a number of non-governmental organizations had made unfounded accusations against his country. Unfortunately, those organizations allowed themselves to be manipulated by groups outside the country that advocated terrorism as a means of establishing an extremist regime. The Bahraini Government regretted that Commission's meetings, which should be used to promote human rights, were thus abused by some in order to attain their political ends.

88. Mr. ALVAREZ (Observer for Costa Rica) said that his delegation could not remain silent at allegations of violation of the right to freedom of association in his country. In Costa Rica, fundamental freedoms had been guaranteed for over a hundred years and the right to freedom of association was a constitutional right. To assert that trade union rights had been abused in a country without providing proof was a serious matter. Such slanderous practices should not be permitted in the Commission.

89. Mr. AGURTSOU (Observer for Belarus) said that the so-called representative of the International League for Human Rights who had spoken at the present meeting was in fact a leader of the Belarus opposition. It was the second time he had used the present forum for propaganda purposes. The arguments he had put forward would convince no one. With regard to the Constitution, which had been referred to as unlawful it should be remembered that it had been approved by a referendum of the people. The very fact that a leader of the opposition was today able to speak out without fear was proof that no abuse of human rights was taking place in Belarus.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1985/45 to 49 and Add.1, 50, 51, 52 and Add.1, 53 and Add.1 and 2, 54 and Add.1, 116, 118, 138, 151 and 157; E/CN.4/1998/NGO/3, 24 and 69 to 71; E/CN.4/Sub.2/1997/28; A/52/469 and Add.1)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1998/92 to 97 and 158; A/52/489)

90. Mr. Selebi (South Africa) resumed the Chair.

91. Mr. PINHEIRO (Chairperson, Fourth Meeting of Special Rapporteurs/Representatives/Experts and Chairpersons of Working Groups of the Special Procedures for the Commission on Human Rights and the Advisory Services Programme), introducing the report of the Meeting (E/CN.4/1998/45), said that the Meeting mechanism, organized as a follow-up to the World Conference on Human Rights, provided a forum for participants to share and discuss experiences among themselves and with the secretariat, the Office of the High Commissioner for Human Rights, the chairpersons of treaty bodies, the Chairman of the Commission, specialized agencies and other bodies of the United Nations system. It would also be useful at future Meetings to include Member States and non-governmental organizations in the exercise.

92. The Commission and the Economic and Social Council had established the special procedures system to address serious, unpunished violations of human rights. In his own region, Latin America, such procedures had had a great impact by exposing abuses caused by the exercise of arbitrary power and had facilitated the transition to democracy. Civil society, national and international non-governmental organizations and the victims of gross violations of human rights relied on that special machinery.

93. In their work, the special rapporteurs and working groups were guided by the principles of impartiality, non-selectivity and objectivity and by the Universal Declaration of Human Rights, the human rights treaties, the jurisprudence of the treaty bodies and other human rights instruments adopted within the United Nations system. They also took account of the resolutions adopted every year by the Commission. It had to be clearly stated that the special rapporteurs were agents of public procedures; their reports were public and they had a relationship with the media based on transparency. As

organs of the Commission, they benefited from the privileges and immunities provided in the Convention on Privileges and Immunities of the United Nations, in particular immunity from legal process. As a result, the recent refusal by a court in a Member State to recognize that the Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, enjoyed such protection, was deeply disturbing. If that decision, which constituted an attack on the entire human rights mechanisms of the United Nations, was allowed to stand, it would militate against the ability of independent experts to speak out against violations of international human rights standards and undermine their independence and impartiality. The participants at the Meeting joined the Secretary-General of the United Nations and the High Commissioner for Human Rights in appealing to the Government concerned to respect its obligations under the Convention in the case of Mr. Cumaraswamy.

94. To increase their effectiveness, experts needed constantly to refine their methods of work and to receive increased support to that end. They received no honoraria and often did not even have the support of a full-time assistant in Geneva. It was hoped that the restructuring of the Office of the High Commissioner for Human Rights would create the conditions needed to overcome the contradiction between the commitment to human rights demonstrated by the international community in Vienna in 1993 and the resources actually allocated.

95. It would also be desirable for the Commission to give consideration to a fact-finding process that would be fair and equitable for all parties concerned. In the context of improving coordination between the special procedures system and the treaty bodies, the efforts of the High Commissioner for Human Rights and Mr. Philip Alston, Chairperson of the Meeting of Chairpersons of Treaty Bodies, were to be applauded. Participants at the Fourth Meeting had also recommended that the High Commissioner should consider setting up guidelines for follow-up to the recommendations of special rapporteurs. In terms of an internal follow-up, a systematic procedure was needed to brief United Nations agencies and offices on the recommendations made by experts. At country and regional level, consideration should be given to the ways in which the High Commissioner could facilitate the follow-up of such recommendations.

96. It was extremely important to establish a dialogue with Member States that would promote interaction. At its next session, the Meeting would follow the example of the Meeting of Chairpersons of Treaty Bodies and invite Governments and other concerned parties to take part in discussions on improving the work of experts. That approach should make the work of the experts more reliable, transparent and effective.

97. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education) said that the slogan for the fiftieth anniversary of the Universal Declaration, "All human rights for all", clearly expressed the need to strengthen the universal application of human rights. However, some were currently calling that universality into question for disreputable motives, namely a refusal to recognize the rule of law. Since all cultures and religions recognized the underlying principles of the Universal Declaration, using the plurality of cultures as a counter to universality or to defend universality against culture or religion made no sense. Plurality and

universality were not opposites, it was human beings that made them so. That was why the International Organization for the Development of Freedom of Education and the World University Service, in the context of their 1998 summer school in Geneva were giving pride of place to a dialogue between cultures and religions on the theme of universality. Universality would also be the subject of a symposium held in collaboration with the UNESCO Chair of Human Rights at Oran University in Algeria.

98. The fiftieth anniversary of the Universal Declaration of Human Rights should be taken as an opportunity to promote the cause of human rights through tolerance and understanding and to give further impetus to the United Nations Decade for Human Rights Education. It was imperative to bridge the gaps in human rights training, since education on human rights was included as a right in the preamble to the Universal Declaration. In order for a start to be made on such training, for example in faculties of law, priority should to be given to teaching that was aimed at changing the attitudes of those who still had misgivings about the juridical character of human rights. The concept of a human rights culture, as formulated at Vienna, would only be realized when the individual was made the focal point of knowledge and education.

99. Mrs. FRIED (Center for Women's Global Leadership), speaking on behalf of a hundred non-governmental organizations defending women's rights, said that the Vienna Declaration and Programme of Action and the Beijing Platform for Action reaffirmed that the first responsibility of Governments was to protect and promote fundamental rights and they emphasized the universal, indivisible and interdependent nature of those rights. The idea that Governments and the United Nations should give priority to ensuring women and girls full enjoyment of their fundamental rights was also set out in the Beijing Platform for Action.

100. The first step should be to ensure full implementation for women of the Universal Declaration of Human Rights in conformity with the Beijing Platform for Action, which entailed providing the necessary financial resources and the steps to make sure that the human rights of women formed an integral part of all United Nations policies and programmes. In that respect, it was to be hoped that the United Nations General Assembly would endorse the adoption by the Commission of the draft Declaration on the rights of human rights defenders. Second, all reservations to the Convention on the Elimination of All Forms of Discrimination against Women should be removed, national laws and policies should be brought into line with that instrument and an optional protocol should be drawn up establishing a right of petition. Third, action was required to end violence against women in the home, to eliminate gender-based persecution in situations of armed conflict, with compensation for the victims, and to ensure that the statute of the future international criminal court included abuse of women in the definition of crimes against humanity and war crimes. Fourth, women's right to health should be realized. Fifth, women's rights to development, literacy, education and employment should be guaranteed. Lastly, without respect for women's rights, the creation of a culture of human rights for all would remain elusive.

101. Mrs. MAZA (Service, Peace and Justice in Latin America) said that during the fourth international workshop of national institutes for the protection and promotion of human rights, the High Commissioner for Human Rights had

stressed the importance of independence and autonomy for national institutions and the need for appropriate terms of reference and powers. Unfortunately, where countries had such institutions, they did not always meet those criteria.

102. In Mexico, for example, the National Human Rights Committee was in no real sense independent of the Executive. Its first two presidents had been unable to complete their terms of office because they had been appointed Procurator-General of the Republic. The Committee was not even financially independent and was precluded from dealing with trade union or electoral matters, or matters relating to the administration of justice. Since the recommendations of the National Committee were not mandatory, the Committee against Torture had considered it unable to carry out its duties effectively.

103. The Special Rapporteur against torture, Mr. Nigel Rodley, had concluded in his report on his visit to Mexico (E/CN.4/1998/38/Add.2) that some human rights committees in Mexico seemed more diligent than others and that the committees tended, for reasons that were not explained, to consider that their recommendations had been implemented even where that was only partly true. The Special Rapporteur wished to see measures taken to ensure that the authorities implemented the recommendations addressed to them by human rights committees. Furthermore, the figures supplied, with regard to cases of torture, for example, appeared to have been fiddled. According to the statistics provided by the National Human Rights Committee, 1,273 complaints of torture were said to have been lodged, and only 42 of them related to the most recent annual period, thus appearing to show that the practice had declined. However, an official report by the National Committee issued in October 1997 and sent to the Special Rapporteur on torture gave the figure for the number of complaints of torture received up to September 1997 as 2,109, with the number of cases declining each year. According to those figures, 836 complaints of torture had been received between June and October 1997, which meant that the number of complaints had not gone down, contrary to the claims of the National Committee. That indicated that the figures had been manipulated.

104. Her organization thus urged the Mexican authorities, when they shortly came to review the Constitution with reference to public human rights institutions, to take account of the recommendations of the Committee against Torture and of the Special Rapporteur on torture.

105. Mr. ICHILCIK (Asian Buddhist Conference for Peace) said that States continued to disregard women's rights, in particular under conditions of military occupation. Indonesia was a signatory to the Convention on the Elimination of All Forms of Discrimination against Women, yet its military forces in East Timor systematically employed sexual harassment and rape as a means of forcing Timorese women to provide information on the resistance movement.

106. In Bangladesh, his organization was also deeply concerned about the safety of Kalpana Chakma, Secretary of the Hill Women Federation of the

Chittagong Hill Tracts, who had been abducted on 11 June 1996 by armed, plain clothes security personnel. It had been no isolated incident and many women in the region were vulnerable to harassment despite the peace agreement signed on 2 December 1997 between the JSS and the Government.

107. The Special Rapporteur on violence against women, Mrs. Coomaraswamy, who had submitted a very interesting report to the Commission (E/CN.4/1998/54 and Add.1), should visit East Timor and the Chittagong Hill Tracts to investigate the situation of women there. Furthermore, in the context of its undertaking in 1996 at the fifty-second session of the Commission, the Indonesian Government should invite a visit from the Special Rapporteur on torture. Lastly, gender-specific issues should be taken into account in the work of all United Nations thematic rapporteurs and working groups.

108. Mrs. PANDJIARJIAN (Latin American and Caribbean Committee for the Defense of Women's Rights), speaking also on behalf of Women's Caucus, said that in document E/CN.4/1998/NGO/3 her organization had submitted a draft declaration on human rights from the standpoint of incorporating the gender perspective and as a contribution to the fiftieth anniversary of the Universal Declaration of Human Rights. It was tied in with human rights grammar introduced by the 1993 Vienna Declaration, the 1994 Cairo Declaration and the 1995 Beijing Declaration and Platform for Action and emphasized six subjects: right to citizenship, right to development, right to peace and a violence-free life, sexual and reproductive rights, environmental rights and rights based on ethnic-racial identity.

109. With regard to development, it was incumbent on States to eradicate poverty, ensure a fair distribution of income, change structural adjustment programmes to overcome their adverse effects, promote the participation of women in all fields and provide education free from stereotypes or prejudice. Concerning the right to peace and a life free from violence, the proposed text stated that all forms of violence against women constituted an attack against their fundamental rights, so that the right to a violence-free life in both the private and public sphere had to be guaranteed. It also provided for the elimination of all practices that threatened the dignity and safety of women and girls. As to the rights of persons and peoples by virtue of their ethnic-racial identity, the proposed text sought to ensure respect for diversity, considered as equivalence and not as superiority or inferiority.

110. The Latin American and Caribbean Committee for the Defense of Women's Rights hoped that its proposal, which was consistent with the universality and indivisibility of all human rights, would be taken into account by the United Nations General Assembly in its celebration of the fiftieth anniversary of the Universal Declaration, so that the voice of women from a part of the Third World could be heard.

111. Mr. NAZIRI (Movement against Racism and for Friendship among Peoples) said that in the Islamic Republic of Iran State terrorism was violating the basic principles of law. According to an AFP report dated 10 April 1997, over 220 Iranian dissidents who had sought refuge abroad had been murdered since the advent of the rule of the mullahs. That had been confirmed by the verdict handed down on 10 April 1997 by a German Federal court at the end of the so-called "Mykonos" trial concerned with the killing of four Iranian

dissidents. It was stated, in that connection, that actual missions to kill outside the country had been endorsed and ordered by the highest authorities in Iran. The Swiss judicial authorities had come to the same conclusion following the assassination in Geneva in 1990 of Mr. Kazem Radjavi, representative of the National Resistance Council of Iran in Switzerland. Since President Khatami had taken office, 24 dissidents outside the Islamic Republic of Iran had been assassinated.

112. In order to evade international criticism and condemnation, the theocracy in power wished to give the impression that independent "national institutions" existed in the Islamic Republic of Iran and that there were no gross violations of human rights. One such puppet organization, the Islamic Human Rights Committee, was led by and composed of senior representatives of the regime. How, under such conditions, could it be considered independent? According to a report by Radio Tehran on 15 July 1997, the secretary of the Islamic Human Rights Committee was alleged to have said that the United Nations Special Representative on the situation of human rights in the Islamic Republic of Iran and other rapporteurs were making the mistake of comparing the Islamic values of Iranian society with Western values. It went without saying that the atrocities committed by the mullahs had nothing in common with Islam, which was a religion of tolerance! The gross human rights abuses in the Islamic Republic of Iran should thus be condemned in the strongest terms in a resolution containing no hint of compromise.

113. Mr. TAHTSIDIS (International League for the Rights and Liberation of Peoples) said that the situation of Kurdish refugees in the Atrush camp in Turkish Kurdistan, which had been drawn to the Commission's attention at the previous session, was very disturbing. The Office of the United Nations High Commissioner for Refugees had in fact abandoned the camp and the inmates had been transferred to Ninova. However, following attempts to escape from attacks by the Kurdistan Democratic Party and the Turkish forces, nearly 7,000 of those refugees were now trapped in an area full of landmines. Three persons had already been injured.

114. It was clear that the conflict in Kurdistan, which was not international in nature, fell within the Geneva Conventions and their Additional Protocols, particularly the one advocating protection of the civilian population, to which Turkey was a party. In the face of the terrible situation of hundreds of Kurdish refugees, mainly from Turkey, who had been desperately trying to reach the Italian coast at the beginning of the year, Turkey was no longer able to deny the facts. The main reason for the exodus had been the forced evacuation, since 1984, of millions of Kurds to major Turkish cities. Tens of thousands of Kurds had fled to south Kurdistan, thus becoming refugees in their own country, exposed to bombing raids by the Turkish Air Force. In November 1997, the European Court of Human Rights had sentenced Turkey to pay damages for burning villages in the south-east and for harming the right to normal life. Obviously the Turkish policy of displacing the Kurdish population was part of organized military operations against the guerrilla movement. Furthermore, the people displaced received none of the compensation required by the Turkish Constitution or Turkish laws, as they were considered "collaborators of terrorism".

115. In January 1998, the European Parliament had adopted a resolution calling on Member States for fresh efforts to formulate a common policy to aid the Kurdish people and to promote the rule of law and democracy. The resolution reaffirmed that a solution to the conflicts in Turkey and northern Iraq could be reached only by political means, called for an end to Turkish military operations in northern Iraq and demanded that the European Union take an international initiative aimed at seeking a political resolution of the Kurdish problem. The International League for the Rights and Liberation of Peoples appealed to the Commission to take action on those lines.

116. Mrs. SPALDING (World Federation for Mental Health) said that the principles of the Universal Declaration of Human Rights and the mandates of the World Health Organization, the World Council of Churches and the World Federation for Mental Health, among others, all also celebrating fiftieth anniversaries in 1998, shared the goal of promoting mentally, physically and spiritually healthy lives.

117. Noting the numerous issues covered by the agenda item, she observed with respect to human rights and arbitrary deprivation of nationality that non-recognition of national identity, especially in the case of indigenous peoples, could have serious consequences in terms of mental health. Studies by thematic special rapporteurs and working groups should consciously include the impact on the mental health of individuals and the broader community. Terrorism was, by definition, also designed to erode mental health and should now include "electronic terrorism", namely the use of the Internet to form hate-driven personalities. Concerned experts should be invited, within human rights sessions, to contribute to action strategies. Young people, often targeted by that form of terrorism, also needed to be mobilized.

118. Violence against women was riddled with psychological implications, which had to be covered by prevention, rehabilitation and programmes for reintegration in society. With regard to the Decade for Human Rights Education, she applauded the WHO mental health training programme "Life Skills", and the "Fête d'excellence" to be held in Geneva in August 1998, which was inviting interested parties to underwrite grants for a training session. In order to strengthen national institutions and the Centre for Human Rights, it would be useful to have a private initiative along the lines of that used by the Office of the High Commissioner for Refugees for raising funds. The "Fête d'excellence" mechanism could also play a useful part in that context. The impact on emotional and mental health of the human rights abuses and the environmental shifts that led to internal displacement of peoples and mass exodus called for close monitoring.

119. Her organization hoped that the ethical principles embedded in the Universal Declaration of Human Rights would be implemented in real life as a fitting celebration of the anniversary.

120. Mr. MARINO (Federation of Associations for the Defence and Promotion of Human Rights) introduced the proposal his organization had put forward for a Spanish Human Rights Committee. By setting up such a committee, the Spanish Government would contribute to the full realization of fundamental human rights and, as recommended by the United Nations, strengthen national institutions and reinforce the work of the ombudsman. The Committee, whose

remit would be as extensive as possible, was intended to represent all sectors of society at large and to work on a completely independent basis. It would cover all areas of civil, political, economic and cultural rights as well as the rights to self-determination, development, peace and a healthy environment. The Committee would have three functions: to investigate allegations of human rights violations, without prejudice to the work of the courts or of the ombudsman; to advise government and official bodies; and to carry out training and information programmes.

121. The Committee's membership would reflect the various spiritual and ethical dimensions in the country, but it would be unwise to include representatives of the Government, civil service or political parties. Committee members should be drawn from among representatives of trade unions, non-governmental organizations, human rights associations, Parliament, the judiciary, the churches, officially recognized religious communities, universities, the Constitutional Court and social and professional organizations. They should also include leading personalities selected for their expertise, including those representing Spain in relevant international bodies.

122. The legal instrument establishing the Committee should preferably be a fundamental law, or at the least an ordinary law. The Committee should be independent regarding its work in the legal and technical fields and with respect to the procedures for appointing and removing its members. Funds should be provided to allow it to operate effectively. The Committee would draw up its own budget and submit it for approval to Parliament, to which it would also submit its reports and accounts. It would be free to hire the staff it needed and would be provided with the material resources it required.

123. Cooperation with national and foreign organizations (ombudsman, domestic courts, relevant non-governmental organizations, and so on) would be essential. The Committee would be expected to investigate issues falling within its terms of reference, to receive relevant evidence, documentation and information, to make recommendations, to meet regularly, to establish committees and working groups and, where necessary, to establish regional or local sections. It should also periodically review its own work and report on its activities in the interests of transparency. It would be subject to all the usual watchdog mechanisms of a democratic system.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

124. Mr. MZKIOU (Congo), noting that a non-governmental organization, the Movement against Racism and for Friendship among Peoples, had distributed invitation cards in the meeting room from a person purporting to be the legitimate prime minister of Congo-Brazzaville, said that distribution of such invitations should never have been authorized, since the person in question did not represent the Government of Congo-Brazzaville. He hoped that an incident of that sort would not occur again.

The meeting rose at 9.10 p.m.